

Article - Environment

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§5–509.

(a) On complaint or the Department's own initiative, the Department may investigate or examine any reservoir, dam, or similar waterway construction. If the Department determines that the reservoir, dam, or similar waterway construction is unsafe, needs repair, or should be removed because the reservoir, dam, or similar waterway construction is unsafe and not repairable, the Department shall notify the owner in writing to repair or remove the object, as the situation warrants. The repair or removal work shall be completed within a reasonable time, which time shall be prescribed in the Department's notice.

(b) If the work is not completed in the time prescribed in the notice:

(1) The Department may have the work completed at the expense of the owner;

(2) Unless the owner demonstrates an inability to pay, as determined by the Department, the Department shall charge the owner for the expense to complete the work; and

(3) If repayment is not made within 30 days after written demand, the Department may bring an action in the proper court to recover the expense to complete the work.

(c) This section does not apply to farm ponds used for agricultural purposes.

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